

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN CROSBY,

Plaintiff,

v.

9:10-CV-0595

COLLEEN RUSSELL, *et al.*,

Defendants.

THOMAS J. McAVOY
United States District Judge

DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

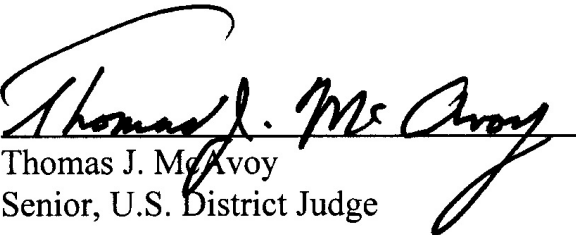
No objections to the July 1, 2014 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is, therefore, ORDERED that:

- (1) Defendants' motion for judgment on the pleadings (Dkt. No. 93) is hereby DENIED; and
- (2) Plaintiff's state-law claims against Defendants Kline, Hayes and Russell are DISMISSED, *sua sponte*, without prejudice to the right of Plaintiff to re-file those claims in a court with proper jurisdiction.

IT IS SO ORDERED.

Dated: August 1, 2014


Thomas J. McAvoy
Senior, U.S. District Judge